

**UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

UNITED STATES OF AMERICA	§	
	§	
v.	§	CRIMINAL NO. 4:18-CR-575
	§	(HUGHES)
JACK STEPHEN PURSLEY,	§	
AKA STEVE PURSLEY	§	

**GOVERNMENT’S MOTION FOR CLARIFICATION
OF THE COURT’S ORDERS ON DEPOSITION**

In Paragraph 3 of its November 20th Order (Dkt. No. 62), this Court ordered that “one United States federal prosecutor, Special Agent Stephen Caivano, *one defense attorney*, and Pursley will travel to the Isle of Man to depose Smith.” In spite of the Court’s Order, two of Pursley’s three attorneys, Michael Minns and Ashley Arnett, have travelled to the Isle of Man and plan to attend Kerry Smith’s deposition. The government respectfully asks the Court to rule whether both Pursley’s attorneys should be allowed to participate in, or otherwise attend, the deposition.

Additionally, in its March 29th Order (Dkt No. 76), this Court limited Kerry Smith’s deposition to three and one-half hours per side. Depositions taken under Fed. R. Crim. P. 15 are taken in the same manner as those taken in civil cases, and the United States expects both parties to abide by Fed. R. Civ. P. 30(c)(2), which requires the parties to state their objections “concisely in a nonargumentative and nonsuggestive manner.”

The United States is concerned that lengthy speaking objections would unfairly prejudice the government’s ability to fully examination Ms. Smith in the limited time it has. In the ordinary course, the Court could remedy any misbehavior by simply granting the government additional

time to examine Ms. Smith at a subsequent deposition (*see* Fed. R. Civ. P. 30(d)(1)). However, given the complexity and expense of arranging Ms. Smith's deposition in the first instance, and the parties' fast-approaching trial date, such a remedy would not be feasible here.

The United States proposes a simple fix: it respectfully requests that the Court rule that lengthy speaking objections by either party will be excluded from the three and one-half hours allotted to each side for their direct and cross examinations.

DATED: April 29, 2019

Respectfully Submitted,

RYAN K. PATRICK
United States Attorney
Southern District of Texas

By:



Sean P. Beaty, Trial Attorney
Grace E. Albinson, Trial Attorney
Jack A. Morgan, Trial Attorney
U.S. Department of Justice, Tax Division
601 D Street, N.W., Room 7430
Washington, DC 20004
(202) 616-2717

CERTIFICATE OF CONFERENCE

I HEREBY CERTIFY that Grace Albinson, counsel for the United States, conferred with counsel for Pursley regarding this motion, and that the defendant opposes the motion.

/s/ Sean Beaty
Sean Beaty
Trial Attorney, Tax Division

**UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

UNITED STATES OF AMERICA

v.

**JACK STEPHEN PURSLEY,
AKA STEVE PURSLEY**

§
§
§
§
§
§

**CRIMINAL NO. 4:18-CR-575
(HUGHES)**

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on April 29, 2019, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ Sean Beaty

Sean Beaty

Trial Attorney, Tax Division